

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
STATE OF NEW YORK,  
:

Plaintiff,  
:

-v-  
:

ANDREW WHEELER, *in his official capacity as*  
*Administrator of the Environmental Protection Agency*  
and ENVIRONMENTAL PROTECTION AGENCY,  
:

Defendants.  
:  
-----X

19-CV-3287 (JMF)

FINAL JUDGMENT AND  
PERMANENT INJUNCTION

JESSE M. FURMAN, United States District Judge:

Pursuant to the Court's Memorandum Opinion and Order dated July 25, 2019 and Rule 58(b)(2)(B) of the Federal Rules of Civil Procedure, it is ORDERED, ADJUDGED, and DECREED as follows:

**DECLARATORY JUDGMENT**

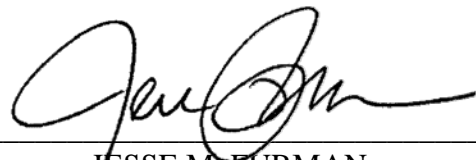
Defendants' failure to take action on Plaintiff's petition of March 12, 2018 within the mandatory statutory timeline constitutes a violation of the Section 126(b) of the Clean Air Act, 42 U.S.C. § 7426(b). Plaintiff is entitled to an award against Defendants of its costs of litigation (including reasonable attorney's fees) pursuant to Section 304(d) of the Clean Air Act, 42 U.S.C. § 7604(d), in an amount to be fixed upon Plaintiff's application.

**PERMANENT INJUNCTION**

Defendants, including Defendant Andrew Wheeler in his official capacity as Administrator of the Environmental Protection Agency and any successor to that office, together with his agents, servants, employees, attorneys, and other persons who are in active concert or participation with the foregoing, *see* Fed. R. Civ. P. 65(d)(2), are PERMANENTLY ENJOINED to take final action on Plaintiff's petition filed March 18, 2018 pursuant to Section 126(b) of the Clean Air Act by September 13, 2019. The Court retains jurisdiction to enforce this Order.

SO ORDERED.

Dated: July 25, 2019  
New York, New York



JESSE M. FURMAN  
United States District Judge